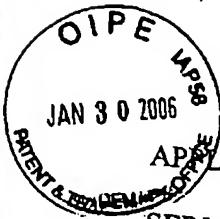


United States Patent and Trademark Office
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09/09/2005 DPOLLARD 00000001-501698 10657144

01 FC:1253 570.00 DA

Adjustment date: 03/03/2006 SDENBOB1
09/09/2005 DPOLLARD 00000001-501698 10657144
01 FC:1253 570.00 CR



IMMR-IMD0002E (034701-000029)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: David Alexander et al.
SERIAL NO.: 10/657,144 CONFIRMATION NO.: 1898
FILING DATE: September 9, 2003
TITLE: Interface Device and Method for Interfacing Instruments to Medical Procedure Simulation Systems
EXAMINER: John Sotomayor TELEPHONE: (571) 272-4456
ART UNIT: 3714 FAX: (703) 872-9306

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop 16 Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450, on the date printed below:

Date: 1/26/2006

Name: Beatrice Orozco

Beatrice Orozco

MAIL STOP: 16
Commissioner for Patents,
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR REFUND OF FEES

Dear Sir:

Applicant respectfully requests that the United States Patent and Trademark office issue a refund in the amount of \$570.00, to: THELEN REID & PRIEST LLP, deposit account no. 50-1698 which we believe was charged in error on September 9, 2005 by the United States Patent and Trademark Office for code: 1253 (Extension for response within third month). A copy of the deposit account statement is enclosed as Exhibit A.

An Amendment and Response to Office Action with an extension within the second month was filed with the application on August 31, 2005. A copy of the Amendment and Response to Office Action is enclosed as Exhibit B. Please note check no. 31768 in the amount of \$450.00 (fee for large entity extension within the second month) was included with the filing on August 31, 2005 and also deposited in the bank by the United States Patent and Trademark Office on September 6, 2005. A copy of the deposited check no. 31768 is enclosed as Exhibit C.

Applicant, hereby requests that \$570.00 which was charged in error be refunded to our deposit account no. 50-1698 as soon as possible. Please call the undersigned at the number

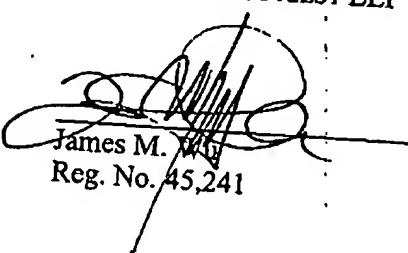
BEST AVAILABLE COPY

IMMR-IMD0002E (034701-000029)

below if you have any questions regarding this matter.

Respectfully submitted,
THELEN REID & PRIEST LLP

Dated: January 25, 2006


James M. Reid
Reg. No. 45,241

THELEN REID & PRIEST LLP
P.O. Box 640640
San Jose, CA 95164-0640
Telephone: (408) 292-5800
Facsimile: (408) 287-8040

Deposit Account Statement

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Trademark Office

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Deposit Account Statement

Requested Statement Month:
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September 2005

501698

THELEN REID & PRIEST, SILICON VALLEY
CATHY ELCHINOFF
225 W. SANTA CLARA STREET
SAN JOSE
CA
95113-1723

UNITED STATES OF AMERICA

DATE	SEQ	POSTING	REF	TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
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Deposit Account Statement

Page 2 of 2

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START BALANCE	SUM OF CHARGES	SUM OF REPLENISH	END BALANCE
\$78,025.00	\$14,854.00	\$22,400.00	\$85,571.00

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Serial/Patent No.: 10/657,144

Filing/Issue Date: 9/9/03

Applicant: David Alexander et al.

Filing/Issue Date: 9/9/03

Title: INTERFACE DEVICE AND METHOD FOR INTERFACING INSTRUMENTS TO MEDICAL PROCEDURE

SIMULATION SYSTEMS

TRP Docket No.: IMMR-IMD0002E

Date Mailed: 8/31/2005

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

- Amendment/Response (12 pages)
- Appeal Brief (____ pgs.) (in triplicate)
- Application - Utility (____ pgs. with cover & abstract)
- Application - Rule 1.53(b) Continuation (____ pgs.)
- Application - Rule 1.53(b) Division (____ pgs.)
- Application - Rule 1.53(b) CIP (____ pgs.)
- Application - Rule 1.53(d) CPA (____ pgs.)
- Application - PCT (____ pgs.)
- Application - Provisional (____ pgs.)
- Assignment and Cover Sheet
- Certificate of Correction
- Certificate of Mailing
- Declaration & POA (____ pgs.)
- Fee Transmittal
- Drawings (informal):
____ # of sheets includes _____
- Other:
Change of Attorney Docket No.

Atty/Secty Initials: DBR/JW/blo

Docket Due Date: 10/31/2005

IDS & PTO 1449 (____ pgs.)

____ Pieces of Prior Art Enclosed

Issue Fee Transmittal

Submission of Formal Drawings:

____ # of sheets includes ____ figures

Notice of Appeal

Postcard

Preliminary Amendment (____ pgs.)

Reply Brief (____ pgs.)

Req and Cert. Not to Publish - Rule 1.213

Request for Continued Examination (RCE) (____ pgs.)

Request for Extension of Time 2 Month(s)

Response to Notice to File Missing Parts

Copy of PTO Notice to File Missing Parts

Transmittal Letter (original & copy)

Express Mail No.: _____

Check(s) \$450.00 CHECK # 317683

Deposit Acct. No. 50-1698 \$_____

Patent Code: J252

Client/Matter # 34701-29

Thelen Reid & Priest LLP

ATTORNEYS AT LAW
225 West Santa Clara Street, Suite 1200
San Jose, CA 95113-1723

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U.S. Patent and Trademark Office U.S. DEPARTMENT OF COMMERCE**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

18

Application Number	10/657,144
Filing Date	September 9, 2003
First Named Inventor	David Alexander
Art Unit	3714
Examiner Name	John Sotomayor
Attorney Docket Number	IMMR-IMD0002E

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Change of Attorney Docket Number.
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Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm

THELEN REID & PRIEST LLP

Signature

Printed Name

James M. Wu

Date

8/31/05

Reg.
No.

45,241

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature

Typed or printed name

Beatrice Orozco

Date

8/31/2005

This collection of information is required by 37 CFR 1.6. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4816).

FEE TRANSMITTAL for FY 2005

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 450.00)

Complete If Known

Application Number	10/657,144
Filing Date	September 9, 2003
First Named Inventor	David Alexander
Examiner Name	John Sotomayor
Art Unit	3714
Attorney Docket No.	IMMR-IMD0002E

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order None Other (please identify) _____

Deposit Account Deposit Account Number: 50-1698 Deposit Account Name: Thelen Reid & Priest LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee

Charge any additional fee(s) or underpayments of fee(s) Credit any overpayments

Under 37 CFR 1.16 and 1.17

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

FILING FEES

Application Type	Fee (\$)	Small Entity Fee(\$)	SEARCH FEES	Small Entity Fee(\$)	EXAMINATION FEES	Small Entity Fee(\$)	Fees Paid (\$)
Utility	300	150	Fee(\$)	500	Fee(\$)	200	100
Design	200	100		250		130	65
Plant	200	100		100		.160	80
Reissue	300	150		300		.160	80
Provisional	200	100		500		600	300
				0		0	0
				0		0	0

2. EXCESS CLAIM FEES

Fee Description

Each claim over 20 (including Reissues)

Each independent claim over 30 (including Reissues)

Multiple dependent claims.

Total Claims

20 -20 or HP= Extra Claims Fee(\$) = Fee Paid (\$)

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims 4 - 4 or HP= Extra Claims Fee(\$) = Fee Paid (\$)

HP = highest number of independent claims paid for, if greater than 3.

Small Entity	
Fee (\$)	Fee (\$)
50	25
200	100
360	180
Multiple Dependent Claims	
Fee (\$)	Fee Paid (\$)
—	—

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(g).

Total Sheets Extra Sheets Number of each additional 50 or fraction thereof = Fee (\$)

100 = / 50 = (round up to a whole number) x Fee Paid (\$)

= Fees Paid (\$)

450.00

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): (1252) Ext. of time w/second month

SUBMITTED BY

Signature

James M. Wu

Registration No.
(Attorney/Agent)

45,241

Telephone

(408) 282-5500

Date

8/31/05

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to be given (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)

FY 2005

Docket Number (Optional)

IMMR-IMD0002E

(Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)

Filed September 9, 2003

Application Number 10/657,144

For Interface Device and Method for Interfacing Instruments to Medical Procedure Simulation Systems

Art Unit 3714

Examiner John Sotomayor

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.
 The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

	<u>Fee</u>	<u>Small Entity Fee</u>	
<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$120	\$60	\$ _____
<input checked="" type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$450	\$225	\$450.00
<input type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$1020	\$510	\$ _____
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$1590	\$795	\$ _____
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2160	\$1080	\$ _____

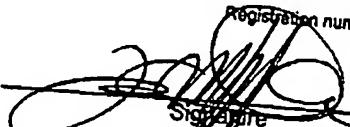
- Applicant claims small entity status. See 37 CFR 1.27.
- A check in the amount of the fee is enclosed.
- Payment by credit card. Form PTO-2038 is attached.
- The Director has already been authorized to charge fees in this application to a Deposit Account.
- The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 50-1698. I have enclosed a duplicate copy of this sheet.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

- applicant/inventor.
- assignee of record of the entire interest. See 37 CFR 3.71
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).
- attorney or agent of record. Registration Number 45,241
- attorney or agent under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34. _____


Signature

James M. Wu, Reg. No. 45,241

Typed or printed name

8/31/05

Date

(408) 292-5800

Telephone Number

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

- Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Docket No.: IMMR-IMD0002E

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: David Alexander et al.
SERIAL NO.: 10/657,144
FILING DATE: September 9, 2003 CONFIRMATION NO.: 1898
TITLE: Interface Device and Method for Interfacing Instruments to Medical Procedure Simulation Systems
EXAMINER: John Sotomayor
TELEPHONE:
FAX: (571) 272-4456
(703) 872-9306
ART UNIT: 3714

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date printed below:

Date: 8/31/2005

Name: Beatrice Orozco
Beatrice Orozco

MAIL STOP: AMENDMENT
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

CHANGE OF ATTORNEY DOCKET NUMBER

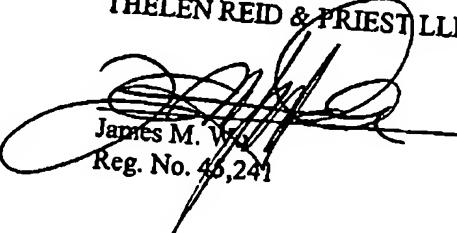
Please change the Attorney Docket No. for this patent application to:

IMMR-IMD0002E

Please amend the appropriate records to reflect this Attorney Docket No.

Respectfully submitted,
THELEN REID & PRIEST LLP

Dated: August 31, 2005


James M. W.
Reg. No. 46,241

THELEN REID & PRIEST LLP
P.O. Box 640640
San Jose, CA 95164-0640
Telephone: (408) 292-5800
Fax: (408) 287-8040

IMMR-IMD0002E (034701-000029)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: David Alexander et al.
SERIAL NO.: 10/657,144 **CONFIRMATION NO.:** 1898
FILING DATE: September 9, 2003
TITLE: Interface Device and Method for Interfacing Instruments to Medical Procedure Simulation Systems
EXAMINER: John Sotomayor
TELEPHONE: (571) 272-4456
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ART UNIT: 3714

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AMENDMENT AND RESPONSE TO OFFICE ACTION

Dear Sir:

This paper is responsive to the Office Action mailed March 31, 2005. Please amend the above-identified application as follows:

Listing of Claims begins on page 2 of this paper.

Remarks begin on page 8 of this paper.

Listing of Claims:

This listing of claims shows currently pending claims in the application:

1-11. (Canceled)

12. (Previously Presented) An apparatus, comprising:

a mock anatomical site having an orifice, the orifice being configured to receive a peripheral device, wherein the mock anatomical site is pivotable, the pivotable mock anatomical site further including a retainer, a first ring disposed proximate to the orifice, the ring being configured to rotate about the retainer, and a locking mechanism configured to prevent movement of the orifice when the locking mechanism is in a locked position;

a resiliency-providing material disposed between the mock anatomical site and a sensing assembly; and

a hollow member extending through the resiliency-providing material and between the orifice and the sensing assembly, the hollow member being configured to guide the peripheral device from the orifice to the sensing assembly.

13. (Previously Presented) The apparatus of claim 12, wherein the resiliency-providing material is foam.

14-15. (Canceled)

16. (Previously Presented) The apparatus of claim 12, wherein the locking mechanism uses at least one of a frictional force and a pressure force to prevent movement of the orifice.

17. (Previously Presented) An apparatus comprising:

a mock anatomical site having an orifice, the orifice being configured to receive a peripheral device;

a resiliency-providing material disposed between the mock anatomical site and a sensing assembly;

a hollow member extending through the resiliency-providing material and between the orifice and the sensing assembly, the hollow member being configured to guide the peripheral device from the orifice to the sensing assembly;

a first retainer;

a first ring disposed proximate to the orifice, the first ring being configured to rotate about the first retainer;

a locking mechanism configured to prevent movement of the orifice when the locking mechanism is in a locked position;

a second retainer;

a second ring coupled to and spaced apart from the orifice, the second ring being configured to rotate about the second retainer; and

a second locking mechanism configured to prevent movement of the orifice when the second locking mechanism is engaged.

18. (Previously Presented) The apparatus of claim 12, wherein the mock anatomical site is coupled to and spaced apart from a housing, the sensing assembly being disposed within the housing.

19. (Previously Presented) The apparatus of claim 12, wherein the mock anatomical site is a mock face, and the housing is a mock torso.

20. (Previously Presented) The apparatus of claim 12, wherein the mock anatomical site is functionally coupled to a pivotable torsion tube.

21. (Previously Presented) A method, comprising:

pivoting via a pivoting mechanism a mock anatomical site to a desired position relative to a housing, the mock anatomical site having an orifice;

locking the mock anatomical site in the desired position using a locking assembly coupled to the pivoting mechanism; and

inserting a peripheral device into a guide tube, the guide tube being disposed within a resilient material, the resilient material being configured to simulate feedback forces as the peripheral device is received in the guide tube.

22. (Previously Presented) The method of claim 21, wherein the pivoting, the locking, and the receiving simulate a medical procedure using the mock anatomical site as a point of entry into a simulated body.

23. (Previously Presented) The method of claim 21, wherein the mock anatomical site is a mock face, the pivoting includes pivoting the face to at least one of a position simulating an individual lying on their side and a position simulating an individual lying on their back.

24. (Previously Presented) An apparatus, comprising:

a housing;

a pivotable mock anatomical site having an orifice, the mock anatomical site being coupled to the housing;

a resiliency-providing material disposed proximate to the orifice and the housing; and a hollow member extending through the resiliency-providing material and between the orifice and the housing, the hollow member being configured to guide a peripheral device from the orifice into the housing.

25. (Previously Presented) The apparatus of claim 24, wherein the block of resilient material is a block of foam.

26. (Previously Presented) The apparatus of claim 24, the pivotable mock anatomical site further comprising:

a retainer

a ring disposed proximate to the orifice, the ring being configured to rotate about the retainer; and

a locking mechanism, configured to prevent movement of the orifice when the locking mechanism is engaged.

27. (Previously Presented) The apparatus of claim 24, further comprising:

- a retainer;
- a ring disposed proximate to the orifice, the ring being configured to rotate about the retainer; and
- a locking mechanism configured to prevent movement of the orifice when the locking mechanism is engaged, the locking mechanism using at least one of a frictional force and a pressure force to prevent the movement of the orifice.

28. (Previously Presented) The apparatus of claim 24, further comprising:

- a first retainer;
- a first ring disposed proximate to the orifice, the first ring being configured to rotate about the first retainer;
- a first locking mechanism configured to prevent movement of the orifice when the first locking mechanism is engaged;
- a second retainer;
- a second ring coupled to and spaced apart from the orifice, the second ring being configured to rotate about the second retainer; and
- a second locking mechanism configured to prevent movement of the orifice when the second locking mechanism is in a locking position.

29. (Previously Presented) The apparatus of claim 24, wherein the mock anatomical site is coupled to and spaced apart from the housing.

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30. (Previously Presented) The apparatus of claim 24, wherein the mock anatomical site is a mock face.

31. (Previously Presented) The apparatus of claim 24, wherein the mock anatomical site is functionally coupled to a pivotable torsion tube.

REMARKS

The Office Action mailed on March 31, 2005 has been carefully reviewed and considered. Claims 12, 13, 16-31 are currently pending and Claims 12, 13, 16 and 18-20 stand rejected. Reconsideration in view of the following remarks is respectfully requested.

Applicants thank the Examiner for considering the amendments and remarks in Applicants' response mailed on February 28, 2005. Applicants further thank the Examiner for allowing Claims 17 and 21-31.

The 35 U.S.C. § 103 Rejection

The Office Action has rejected Claims 12, 13, 16 and 18-20 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Crabtree¹ in view of Younker,² and Bailey³ among which Claim 12 is the independent claim. Without admitting that Crabtree, Younker and Bailey are prior art and reserving the right to establish that they are not prior art, Applicants respectfully traverse this rejection.

According to the Manual of Patent Examining Procedure (M.P.E.P.),

To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure.⁴

Claim 12 of the present invention recites in part:

¹ U.S. Patent No. 3,520,060.

² U.S. Patent No. 5,951,301.

³ U.S. Patent No. 5,800,179.

⁴ M.P.E.P. § 2143.

An apparatus, comprising:

a mock anatomical site having an orifice, the orifice being configured to receive a peripheral device, wherein the mock anatomical site is pivotable, the pivotable mock anatomical site further including a retainer, a first ring disposed proximate to the orifice, the ring being configured to rotate about the retainer, and a locking mechanism configured to prevent movement of the orifice when the locking mechanism is in a locked position;

a resiliency-providing material disposed between the mock anatomical site and a sensing assembly;

In other words, Claim 12 claims a pivotable mock anatomical site that includes an orifice, a retainer, a first ring and a locking mechanism. The Office Action, however, asserts that "[r]egarding claim 12, Crabtree et al discloses a mock anatomical apparatus,... wherein the mock anatomical site is pivotable, the site further containing a retainer and a first ring disposed proximate to the orifice, the ring configured to rotate about the retainer (Col 3, lines 65-70)."

See page 3 of the Office Action. Applicants respectively disagree with this assertion. Column 3, lines 65-70 of Crabtree states that,

The skull 12 is mounted, by means of suitable screws or bolts 50, to a first vertical rod 52 carrying a ball 54 on the end thereof. In turn, the ball 54 is carried in a suitable socket (not shown) at the upper end of a second vertical rod 56 which is initially coaxial with the first rod 52.

Crabtree essentially discloses a skull 12 that can be mounted on a rod 52, which carries a ball 54 on the end thereof. Crabtree, however, has never mentioned or suggested a mock anatomical site that contains a retainer and a first ring. As such, Crabtree does not teach or disclose the element of the mock anatomical site that contains a retainer and a first ring wherein the ring is configured to rotate about the retainer.

The Office Action further asserts that Crabtree discloses "a locking mechanism that is configured to prevent movement of the orifice when the locking mechanism is in a locked position (Col 4, lines 56-63)." See page 3 of the Office Action. Applicants respectively disagree with this assertion. Column 4, lines 65-63 of Crabtree states that,

In order to lock the mouth in either open or closed position, or for that matter in any intermediate position, a suitable locking and ratchet mechanism is also provided as part of the means 30. This locking and ratchet mechanism comprises an elongated rack 90 which is rigidly mounted by suitable mounting means, such as screws 92, within the skull 12 below the slot through which the lever 32 projects.

In other words, Crabtree discloses a lock system that controls various opening positions of a mouth of a skull. Crabtree, however, never discloses or suggests a locking mechanism that is configured to prevent movement of the orifice (or the skull itself) when the locking mechanism is in a locked position. As such, Crabtree does not teach or suggest a locking mechanism as claimed in the present invention. Accordingly, neither the element of a mock anatomical site having a retainer and a first ring nor the element of a locking mechanism is disclosed by Crabtree.

The Office Action correctly recognizes that Crabtree et al does not specifically disclose a resiliency-providing material or a sensing assembly. However, the Office Action asserts that Younker teaches the resiliency-providing material (Col 4, lines 56-63). Moreover, the Office Action further recognizes that Younker does not disclose the sensing assembly. The Office Action, however, contends that Bailey teaches the sensing assembly. The Office Action further asserts that it would be obvious to one having ordinary skill in the art at the time of the invention to combine Crabtree, Younker, and Bailey to practice the presently claimed invention. The Applicants respectfully disagree with this assertion.

Applicants respectfully submit that a desired outcome that the invention provides cannot be used as the motivation to combine the references if there is no such teaching in the references. Since neither Crabtree nor Younker and Bailey teach or suggest a combination between Crabtree, Younker and Bailey, Applicants contend that there is no teaching to combine.

Even assuming for the sake of argument that Crabtree and Younker and Bailey were combined, the combination would still fail to render the present invention obvious because neither Crabtree nor Younker and Bailey nor a combination of the three discloses or suggests a pivotable mock anatomical site that includes an orifice, a retainer, a first ring and a locking mechanism. Accordingly, one of ordinary skill in the art would not combine Crabtree and Younker and Bailey, because even if they were combined, the combination would still fail to disclose or suggest each and every element disclosed in Claim 12. At least for the reasons stated above, Claim 12 is patentable over Crabtree in view of Younker and Bailey under §103.

If the independent claims are valid, the claims that depend from the independent claims should also be valid as matter of law. See Jenric/Pentron, Inc. v. Dillon Co., 205 F. 3d 1377, 1382 (Fed. Cir. 2000). Since Claims 13, 16 and 18-20 depend from allowable independent Claim 12, Claims 13, 16 and 18-10 should also be patentable as matter of law.

Conclusion

Based on all of the above, Applicants believe all claims now pending in the present application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

No additional fees are believed to be due at this time. However, please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-1698.

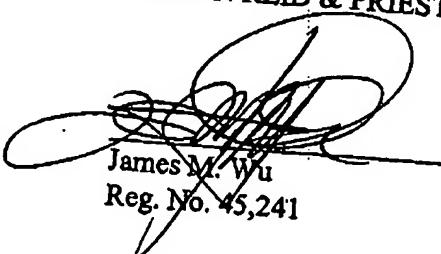
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Applicants thank the Examiner for carefully examining the present application and if a telephone conference would facilitate the prosecution of this application, the Examiner is invited to contact Jim Wu at (408)282-1885.

Respectfully submitted,

THELEN REID & PRIEST, LLP

Dated: August 31, 2005


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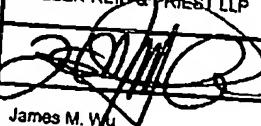
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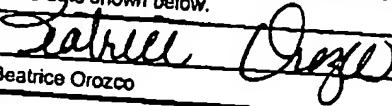
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First Named Inventor	David Alexander
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Examiner Name	John Sotomayor
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